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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,627	07/01/2005	Marc Van Damme	234919	6171

23460 7590 06/30/2006

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EXAMINER

CHU, JOHN S Y

ART UNIT PAPER NUMBER

1752

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Continuation of Attachment(s) 6). Other: PTO/SB/08A forms attached 10/7/05, 6/27/05.

DETAILED ACTION

This Office action is in response to the application filed May 9, 2006.

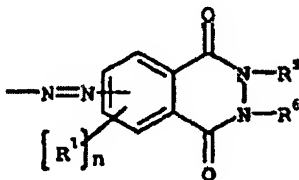
Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-3, 9, 29, 30, 35, 36-38, 48, 49, 59 and 60 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-7 and 11-24 of copending Application No. 10/834,555. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims to the copending application recite the same phenolic resin modified with the following compound:



See below for the claims to the copending application 10/834,555:

1. (Currently Amended) A positive-working heat-sensitive lithographic printing plate precursor comprising a support having a hydrophilic surface or which is provided with a hydrophilic layer and an oleophilic coating provided on the support, said coating comprising an infrared light-to-heat converter and an alkali-soluble phenolic resin, wherein the phenyl group of the phenolic monomeric unit of said phenolic resin is chemically modified with an organic substituent, providing an increased chemical resistance against printing chemicals, wherein said coating further comprises a polymeric development accelerator, and wherein said polymeric development accelerator is a phenolic formaldehyde resin comprising at least 70 mol% of meta-cresol as recurring monomeric unit.

while the current application recites the following claim:

1. A heat-sensitive lithographic printing plate precursor comprising a support having a hydrophilic surface and an oleophilic coating, provided on the hydrophilic surface, said coating comprising
 - an infrared light absorbing agent and
 - a polymer which comprises a phenolic monomeric unit wherein the phenyl group of the phenolic monomeric unit is substituted by a group having the structure $-N=N-Q$, wherein the $-N=N-$ group is covalently bound to a carbon atom of the phenyl group and wherein Q is an aromatic group.

The claims of the copending application 10/834,555 fully encompass the claims of the current application wherein the comprising language would necessarily include the second polymeric development accelerator (novolak resin) and the phenyl group modified with an organic substituent encompasses the $-N=N-Q$ structure.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

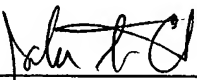
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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (571) 272-1329. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Cynthia Kelly, can be reached on (571) 272-1526

The fax phone number for the USPTO is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John S. Chu
Primary Examiner, Group 1700

J.Chu
June 25, 2006